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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,931	02/02/2004	Mitchel Lenhard	25874/04160	9588
24024	7590	12/23/2004	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP			BUI, LUAN KIM	
800 SUPERIOR AVENUE			ART UNIT	
SUITE 1400			PAPER NUMBER	
CLEVELAND, OH 44114			3728	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,931

Applicant(s)

LENHARD ET AL.

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Specification

1. The disclosure is objected to because of the following informalities: in the brief description of the drawings, Applicant indicates that Figure 2 is a sectional view of Figure 1, taken generally along line 2-2 of Figure 1. There is no such sectional lines in Figure 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Guy et al. (6,164,441; hereinafter Guy'441). Guy'441 discloses a package (20) comprising an insert (100) and a wrapper (24) formed from a flexible polymeric sheet for enclosing the insert and a group of articles (77) when the package is assembled (Figures 5-7). The wrapper formed from of a lightweight, flexible material and having a window portion (34, 40) that is removable to enable access to the group of articles within the wrapper. The package of Guy'441 is inherently capable for containing a group of toilet seat covers and the package is capable received in a dispenser.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. (6,164,441; hereinafter Guy'441) in view of Canno (3,896,966). Guy'441 discloses the package (20) as above having all the limitations of the claims except for the insert being made from cardboard or card stock or similar material. Canno teaches a dispensing package (10) comprising a stiff insert (34) may be made from cardboard (column 2, lines 19-23). It would have been obvious to one having ordinary skill in the art in view of Canno to modify the insert of Guy'441 so the insert is made from cardboard to reduce the cost of manufacture and it also would have been obvious to one having ordinary skill in the art to modify the wrapper of Guy'441 so the wrapper is made from low density polypropylene since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

6. Claims 1, 3, 4, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. (6,164,441; hereinafter Guy'441) in view of Wilkniss (1,999,676). Guy'441 discloses a package (20) comprising an insert (100) and a wrapper (24) formed from a flexible polymeric sheet for enclosing the insert and a group of articles (77) when the package is assembled (Figures 5-7). The wrapper formed from of a lightweight, flexible material and having a window portion (34, 40) that is removable to enable access to the group of articles within the wrapper. Guy'441 also discloses the other claimed limitations except for the group of articles being a group of toilet seat covers. Wilkniss teaches a package (21) for holding a group of toilet seat covers (10). It

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would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Wilkniss to modify the package of Guy'441 so the group of articles comprises a group of toilet seat covers to allow the package of Guy'441 for holding various articles. As to claim 4, it would have been obvious to one having ordinary skill in the art to modify the wrapper of Guy'441 so the wrapper is made from low density polypropylene having a thickness of about one millimeter or less to reduce the cost of manufacture since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

7. Claims 2, 5-7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Canno (3,896,966). Guy'441 further fails to show the insert being made from cardboard or card stock or similar material. Canno teaches a dispensing package (10) comprising a stiff insert (34) may be made from cardboard (column 2, lines 19-23). It would have been obvious to one having ordinary skill in the art in view of Canno to modify the insert of Guy'441 so the insert is made from cardboard to reduce the cost of manufacture.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Marilyn Watts at (571) 272-4398.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
December 19, 2004

A handwritten signature in black ink, appearing to read 'Luan K. Bui', with a stylized flourish extending to the right.

Luan K. Bui
Primary Examiner